

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09-CR-555
	:	
v.	:	
	:	
BARRY E. GOLDMAN,	:	
<i>dba Torture Portal,</i>	:	
<i>dba Masters of Pain,</i>	:	
<i>dba Bacchus Studios</i>	:	
Defendant.	:	

**GOVERNMENT'S NOTICE OF INTENT TO INTRODUCE
SELF-AUTHENTICATING DOCUMENTS PURSUANT TO RULE 902(11)**

The United States, by and through its attorneys, Bonnie Hannan and Pamela Satterfield, Trial Attorneys, United States Department of Justice, Criminal Division, hereby provides notice of its intent to introduce evidence pursuant to Fed. R. Evid. 902(11), entitled Self-authentication; Certified Domestic Records or Regularly Conducted Activity.

The Federal Rules of Evidence allow for business records to be admitted in evidence at trial without a custodian of records testifying about their authenticity.¹ See Fed. R. Evid. 902(11). This rule provides that:

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(11) Certified Domestic Records of Regularly Conducted Activity.— The original or a duplicate of a domestic record of regularly conducted activity that would be admissible under Rule 803(6) [Records of Regularly Conducted Activity] if accompanied by a written declaration of its custodian or other qualified person, in a manner complying with any Act of Congress

¹ Alternatively, the defense may agree to stipulate that these records are admissible as business records.

or rules prescribed by the Supreme Court pursuant to its statutory authority, certifying that the record --

(A) was made at or near the time of the occurrence of the matter set forth by or from information transmitted by, a person with knowledge of those matters;

(B) was kept in the course of the regularly conducted activity; and

(C) was made by the regularly conducted activity as a regular practice.

A party intending to offer a record into evidence under this paragraph must provide written notice of that intention to all adverse parties, and must make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them.

Pursuant to Rule 902(11), the government hereby gives written notice of its intent to introduce evidence consisting of business records from the following entities:²

America On Line (AOL)
Florida Department of Motor Vehicles

By seeking to admit evidence pursuant to Rule 902(11), the government anticipates that its witness list will be reduced.³

²These materials have been made available to the defense in discovery.

³The government reserves the right to call representatives from some of these companies, if necessary.

The government hereby respectfully submits notice of its intent to introduce business documents through Rule 902(11) declarations.

Respectfully submitted,

/s/
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